IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 12TH MARCH, 2007 / 21ST PHALGUNA, 1928

WP(C).No. 2783 of 2007(F)

PETITIONERS:

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1. K.P.SIVASANKARAN NAIR,
   FORMER NON HEREDITARY TRUSTEE,
   AZHAKODY DEVI TEMPLE, CALICUT.

2. C.K.RAMAKRISHNAN NAIR,
   S/O.LATE GOVINDAN NAIR,
   CHENGALIKALATHIL HOUSE, P.O.KUTHIRAVATTOM,
   CALICUT.

3. THEKKEDATH CHOORAKKATTU KRISHNANKUTTY NAIR,
   S/O.LATE NARAYANAN NAIR,
   POURNAMI, KASABA AMSOM DESAM, KOZHIKODE TALUK,
   KOZHIKODE DISTRICT.

4. T.P.RADHAKRISHNAN,
   S/O.KUNHIKRISHNAN NAIR,
   PUZHIKKOTH HOUSE, THIRUTHIYAD, CALICUT.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:

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1. THE DEPUTY COMMISSIONER,
   HR & CE (ADMINISTRATION), KOZHIKODE.

2. PONMILI VELAYUDHAN NAIR,
   S/O.MEENAKSHI AMMA KARAKKOLI HOUSE,
   THIRUTHIYAD P.O., CALICUT-4.

3. PANOLI JAYARAJAN,
   S/O.LAKSHMIKUTTY AMMA, KORICHAN PARAMBATH HOUSE,
   PUTHIYARA P.O., CALILCUT-4.

4. CHERUTHALA KOMALARAJAN,
   S/O.MADHAVI AMMA, KOLAPURATH HOUSE,
   MANASSERY, KOZHIKODE.

5. KOLLAT RARICHAN PARAMBATH SANKARAN NAIR,
   S/O.KALLIANI AMMA, P.O.PUTHIYARA,
   CALICUT.

6. K.SIVARAMAN,
FORMER CHAIRMAN, BOARD OF TRUSTEES,
AZHAKODI DEVI TEMPLE, CALICUT.

7. PONMILI JAYARAJAN,
FORMER NON HEREDITARY TRUSTEE,
AZHAKODI DEVI TEMPLE, CALICUT.

R1 BY GOVERNMENT PLEADER SRI.M.R.SABU.
R2 TO R5 BY ADV. SRI.K.MOHANAKANNAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN,Ag.C.J & M.N.KRISHNAN,J.

WP(C) NO. 2783 OF 2007 - F

Dated this the 12th day of March, 2007

J U D G M E N T

Radhakrishnan, Ag.C.J.

Heard counsel on either side.

2. In view of the declaration made in W.P.(C) No.34161 of 2006 that respondents 2 to 7 therein are to establish their rights before the civil court, clause (2) of Ext.P2 has no legal effect. However, it is open to the respondents to establish their rights before the civil court.

The writ petition is disposed of as above.

K.S.RADHAKRISHNAN,
Acting Chief Justice

M.N.KRISHNAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007